



# Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

603 424-3531

Fax 603 424-1408

[www.merrimacknh.gov](http://www.merrimacknh.gov)

## MERRIMACK PLANNING BOARD

### **DRAFT** MINUTES

**TUESDAY MAY 3, 2022**

A regular meeting of the Merrimack Planning Board was conducted on Tuesday, May 3, 2022 in the Matthew Thornton Room.

#### Members Present:

- Paul McLaughlin (Vice Chair)
- Lynn Christensen
- Jaimie von Schoen
- Brian Dano
- Nelson Disco – Alternate
- Maureen Tracey – Alternate
- Town Councilor Barbara Healey - Ex-Officio

#### Members Absent:

- Robert Best (Chair)
- Neil Anketell

Staff Present: Casey Wolfe, Assistant Planner

### **1. Call to Order**

Vice Chair Paul McLaughlin called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance. Mr. McLaughlin appointed Nelson Disco & Maureen Tracey to vote for Neil Anketell and Robert Best, respectively.

### **2. Planning & Zoning Administrator's Report**

### **3. Annual Meeting – Election of Officers & Review of Rules of Procedure**

The Board discussed proposed amendments to the Rules of Procedure to add the ability for the Board to utilize a "consent agenda" to handle multiple routine, non-controversial administrative functions of the Board in a single vote.

**The Board voted 7-0-0 to approve the proposed amendments to the Rules of Procedure to on a motion made by Lynn Christensen and seconded by Jaimie von Schoen.**

**The Board voted 6-0-1 to re-elect Robert Best as Chair and Paul McLaughlin as Vice Chair on a motion made by Lynn Christensen and seconded by Nelson Disco. Paul McLaughlin abstained.**

*\*The amended Rules of Procedure are attached to these minutes.*

- 4. Merrimack Smiles (applicant) and SIAM04 Realty, LLC (owner)** – Continued review for acceptance and consideration of final approval for a site plan to raze an existing building and construct a 4,500 square foot dental office. The parcel is located at 75 DW Highway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 2D, Lot 028. Case # PB2022-16. ***This item is continued from the April 5, 2022 Planning Board meeting.***

Casey Wolfe prefaced the presentation by reminding the Board that this project was on the April 5<sup>th</sup> agenda however it was not heard at that time as the applicant had requested and was granted a continuation to allow time for the peer review comments to be received. The peer review comments have since been received and the applicant is now ready to present their proposal to the Board.

The applicant was represented by James Hanley (Civil Design Consultants, Inc.) and Ken Feyl (LYF Architects). Mr. Hanley began by explaining that the applicant is proposing to raze an existing restaurant that is on site and then construct a 4,500 square foot dental office. He conveyed some basic information about the lot in question such as the location, size, soil, grading and current use. Mr. Hanley explained that the proposal includes 41 parking spaces even though only 21 are required because the business has been established for some time now and has a good sense of how many spaces they need. He went on to explain that the lot is serviced by public water (Pennichuck Water Works) and municipal sewer which will remain in place and that the applicant will be adding a fire suppression system as well. Mr. Hanley indicated that there will only be a minor impact to stormwater as they are only increasing the impervious surface area by 0.05 acres and provided a quick overview of how the stormwater system works was designed. He went on to explain that there are currently two driveways on site and the proposal calls for removing both of those and replacing it with one entrance complete with concrete sidewalks and accessible ramps. Mr. Hanley spoke briefly about the traffic analysis that was conducted indicating that the results showed less traffic overall but more peak weekday trips.

Mr. Hanley turned his attention to the waivers being requested and reviewed them one at a time for the Board:

1. Section 3.11.d: A waiver is requested to allow no loading spaces in the proposed parking lot. Given the small size of the parking lot, loading spaces are not feasible nor necessary.
2. Section 3.11.l.1: A waiver is requested to allow no interior parking lot landscaping. The proposed parking lot is small in size and due to the limited area, while also trying to limit site disturbance, providing 10% interior parking lot landscaping is not feasible. Proposed trees and shrubs will be planted around the perimeter of the parking lot. Additionally, the Applicant proposes to keep a large portion of the existing on-site vegetation.
3. Section 3.11.l.5: A waiver is requested from the minimum amount of shade trees along the parking lot perimeter. The proposed parking lot is small in size and due to the limited area, underground utilities, snow storage areas, and light poles, providing 1 tree per 20 feet of parking lot perimeter is not feasible. The Applicant proposes to keep a large portion of the existing on-site vegetation.

- 1        4. Section 4.12.c.18.viii: A waiver is requested to not show existing trees greater than 15 inches  
2            in diameter on the Existing Conditions Plan. The Applicant proposes to keep the majority of  
3            the existing vegetation. There will be very limited disturbance to existing on-site trees.  
4

5        Mr. Feyl shared the architectural renderings of the site to give the Board and idea of what the  
6        finished building will look like.  
7

8        **The Board voted 7-0-0 to accept the application as complete on a motion made by Lynn**  
9        **Christensen and seconded by Barbara Healey.**  
10

11        **The Board voted 7-0-0 to grant the waivers from Section 3.11.d concerning loading spaces**  
12        **in the proposed parking lot, Section 3.11.l.1 concerning interior parking lot landscaping,**  
13        **Section 3.11.l.5 concerning the minimum amount of shade trees along the parking lot**  
14        **perimeter, and Section 4.12.c.18.viii concerning the identification of existing trees greater**  
15        **than 15 inches in diameter, on a motion made by Lynn Christensen and seconded by**  
16        **Nelson Disco.**  
17

18        Councilor Healey asked if the proposed changes to the entrance allows for 2 emergency vehicles  
19        to access the site if necessary. Vice Chair McLaughlin asked Ms. Wolfe if there were any comments  
20        from the Fire Department and Ms. Wolfe confirmed that Captain Manuele had no concerns with  
21        emergency access at the site. Mr. Hanley also shared this site plan to confirm that there will be  
22        plenty of room for emergency vehicles.  
23

24        Mr. Disco stated that this section of DW Highway is within the DOT jurisdiction and asked if they  
25        have been contacted for approvals. Mr. Hanley confirmed that they have connected with DOT and  
26        shared with the Board some of the minor revisions they requested. Mr. Disco then asked about  
27        the adjacent landscaping business parking vehicles on the 75 DW Highway property and if that  
28        practice would continue with this new use. Mr. Hanley clarified that the parking arrangement will  
29        terminate once the dentist office is in place. He then asked for clarification on the traffic impact  
30        and whether or not it was a concern in the peer review and Ms. Wolfe confirmed they did not  
31        have any concerns. Mr. Disco commented on the use of Ash trees on the site as they are currently  
32        dying off so he recommended that the applicant consider an alternate shade tree.  
33

34        There was no Public Comment.  
35

36        **The Board voted 7-0-0 to grant conditional final approval on a motion made by Lynn**  
37        **Christensen and seconded by Barbara Healey. The following conditions apply:**  
38

- 39        1. Final plans and mylars to be signed by all property owners. The appropriate professional  
40            endorsements and signatures shall also be added to the final plans.  
41  
42        2. The applicant shall obtain all required State approvals/permits as may be applicable, note  
43            the approvals/permits on the plan and provide copies to the Community Development  
44            Department, as applicable.  
45  
46        3. The applicant shall provide draft copies of any applicable legal documents for review, at the  
47            applicant's expense, by the Town's Legal Counsel.  
48  
49        4. All waivers granted (including Section and date granted) shall be listed and fully described  
50            on the final plan.

- 1  
2 5. The applicant shall address the following comments from the Conservation Commission, as  
3 applicable.  
4
  - 5 a. Green Snow-Pro certified contractors to be utilized for snow removal/ice treatment.  
6 The site plan did reference a designated area for snow storage but that area was not  
7 actually identified on the printed plans.  
8
  - 9 b. Only non-invasive plants may be planted.  
10
  - 11 c. If necessary, straw will be used, not hay.  
12
  - 13 d. Only low phosphate, slow release nitrogen fertilizers shall be used. While not  
14 required, it is recommended that the applicant utilize a soil testing facility to  
15 determine what levels and application rates are necessary prior to applying any  
16 fertilizers to the site.  
17
- 18 6. The applicant shall address any forthcoming comments from the Public Works Department  
19 & Wastewater Division, as applicable.  
20
  - 21 a. Sheet C-5 Note 2 shall be revised to include: The engineering design, construction and  
22 testing of the sewer line shall conform to the Town of Merrimack Sewer Use  
23 Ordinance currently adopted, Chapter 158 of the Town of Merrimack Code and the  
24 Town of Merrimack Department of Public Works – Wastewater Treatment Facility –  
25 Sanitary Sewerage Engineering Standards (SSES) as last revised. Also the State of New  
26 Hampshire Department of Environmental Services (NHDES) Standards for Design  
27 and Construction of Sewerage and Wastewater Treatment Facilities, Env-Wq 700,  
28 latest revision.  
29
  - 30 b. Sheet C-5 Sanitary Sewerage General Notes number 9 shall also include a sentence  
31 stating that the existing SMH shall be tested as part of the final sewer acceptance. The  
32 SMH being altered must be tested to ensure water tightness. If the structure fails  
33 vacuum testing it must be repaired or replaced to meet present day standards per  
34 SSES S3-08 Manholes.  
35
  - 36 c. Sheet C-5 Sanitary Sewerage General Note 16 shall also state that “The contractor  
37 shall cap the end of the lateral sewer to remain in place. Lateral sewer demolition  
38 shall be performed in the presence of the Town of Merrimack Sewer Inspector”, per  
39 SSES S6-13 Lateral Sewer Demolition.  
40
  - 41 d. Sheet C-5 Sanitary Sewer General Notes add note 18 to state that under no  
42 circumstances shall stormwater, surface water, ground water, roof runoff subsurface  
43 drainage, geothermal discharge or untreated industrial process water be discharged  
44 into the public sanitary sewer system. In addition, there shall be no footing or floor  
45 drains connecting into the sewer system (SSES S3-01.1.e).  
46
  - 47 e. Under section S3-02 General Design Criteria the anticipated flow calculation shall be  
48 provided along with the existing flow to establish if sufficient flow allocation exists  
49 for the property. An allocation permit shall be filled out and filed with the Town of

Merrimack Wastewater Division if it is determined there is an increase in the flow allocation.

- f. The Existing Conditions Plan C-2 shows the existing 5 inch sewer line that is to be removed but it does not address the existing grease trap that is located under the rear porch. It should be noted that anything in the trap is to be removed and then the entire Grease Trap is to be removed and disposed of properly. The Sewer Inspector it to be notified prior to the removal and shall witness the removal.
- g. A sewer profile is required per SSES S2-04.6.
- h. Sheet C-5 does not show a back water valve within 2 feet of the exterior of the building as required under SSES S3-07. A backwater valve shall be provided per section SSES S4-12. A detail shall be provided on the plans and it shall be shown on the profile section. Construction shall be per section SSES S5-19. There shall be access to the backwater valve to the unit from the surface (include a cap).
- i. All requirements under Chapter 158-39 N will apply. This must be coordinated with the Town of Merrimack Pretreatment Manager for compliance and noted on the plans.
- j. Clearances to other utilities shall be per SSES Section S3-13 and shall be noted/detailed on the plans as applicable.
- k. Gravity Sewerage Pipe & Fitting materials shall conform to SSES S4-02 and Env-Wq 704.05 and shall be noted on the plans as follows. All PVC sewer pipe and fittings manufacture and installation shall meet or exceed the ASTM D3212-07 (2013) recommended specifications, unless otherwise specified, and all installation shall be in strict compliance with the manufacturer's directions. All pipe shall be clearly marked with the date of manufacture. All pipes shall be fabricated from a reference mark for proper spigot insertion. Joint gaskets shall be fabricated from a compound of which the basic polymer shall be a synthetic rubber consisting of styrene, butadiene, polyisoprene or any combination thereof and shall meet the requirements of ASTM D-3212.
- l. A note shall be added to the plans that all Sewer construction, inspections, testing, quality control shall conform to the methods and requirements under SSES S5. The Sewer Inspector shall be present during the required testing and all of the testing results shall be provided to the Inspector; there shall be 48 hours' notice given for all testing.
- m. In addition to the Pre-Construction meeting there shall be a Post-Construction meeting held prior to issuance of the Certificate of Occupancy. A note shall be added to sheet 1.
- n. An Operations and Maintenance Plan for the on-site drainage systems shall be prepared for the Pre-Construction meeting. The plan shall be followed to provide yearly inspection reports on the drainage system to Community Development by June 30th of each year. The requirements will be run with the property and shall be

transferred in the event of a sale of the property to continue in the future. This shall be noted on the plans.

- o. This section of Daniel Webster Highway is under State of New Hampshire Department of Transportation Jurisdiction and Review. NH DOT permit(s) will be required for any work done within the Right of Way (ROW). The requirements shall be noted on the plans.

7. The applicant shall address the following Planning Staff Technical Comments:

- a. The illumination plan shall show the information required by Sections 3.13 & 4.16 of the Site Plan Regulations (information provided by the applicant separately from the plans must be included on the plan itself).
- b. Cover Sheet – All notes appearing on the cover sheet of the plan need to instead be located on the site plan sheet (C-3). Many of these notes are duplicated but they need to primarily be on the site plan sheet.

**The following general and subsequent condition are also placed on the approval:**

1. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department.
2. The applicant shall submit an As-Built Plan prepared by a qualified professional (Professional Engineer or Licensed Land Surveyor, registered/licensed in New Hampshire) to the Community Development Department prior to the issuance of the final Certificate of Occupancy.
3. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant.
4. The applicant shall address any forthcoming comments from the Building Department, as related to building code compliance and permit application, as applicable (that are not deemed precedent conditions).
5. The applicant shall address any forthcoming comments from the Fire Department, as related to property addressing and fire code compliance, as applicable (that are not deemed precedent conditions).
  - a. The building shall be protected by an approved NFPA-13 compliant fire sprinkler system. (Town of Merrimack Building Zoning Ordinance and Building Code, Section 11) Plans shall be provided to this office for review and approval before a permit can be issued.
  - b. The building shall be protected by an approved NFPA-72 fire alarm system. Plans shall be provided to this office for review and approval before a permit can be issued.

**5. Discussion/possible action regarding other items of concerns**

1  
2 **6. Approval of Minutes — April 19, 2022**

3  
4 **The Board voted 6-0-1 to approve the minutes of April 19, 2022, as submitted, on a motion**  
5 **made by Lynn Christensen and seconded by Barbara Healey. Jaimie von Schoen abstained.**  
6

7 **7. Adjourn**

8  
9 **The Board voted 7-0-0 to adjourn at 7:31 p.m. on a motion made by Lynn Christensen and**  
10 **seconded by Brian Dano.**

## MERRIMACK PLANNING BOARD RULES OF PROCEDURE

### I. PURPOSE AND AUTHORIZATION

The Merrimack Planning Board (hereinafter, the Board) duly established by the Merrimack Town Meeting on March 10, 1964 in accordance with RSA 673:1 hereby establishes the following rules of procedure for the conduct of its business, pursuant to RSA 676: 1.

### II. NAME

The name of the board shall be the "Merrimack Planning Board".

### III. MEMBERSHIP AND TERMS OF OFFICE

- A. Appointment of Members: The Board shall consist of seven members, appointed by the Town Council, and shall include one Town Councilor to act as an ex-officio member with power to vote. The appointment of members shall conform to terms and requirements of RSA 673:2 II and RSA 673:5. Members of the Board shall conform to the limitations on multiple membership set forth in RSA 673:7.
- B. Alternates: The Town Council may appoint, in addition to regular members, not more than three alternate members who may serve, upon designation by the Chair, in place of a regular member in the event of absence or disqualification. The terms and multiple membership requirements for alternates shall be the same as for regular members.

### IV. OFFICERS AND THEIR DUTIES

- A. Election of Officers: The Board shall elect, by a majority vote at its annual meeting, the following officers from among its members. The term of each officer shall be limited to one year; however any officer shall be eligible for re-election.
- i. Chair: The Chair shall preside at all meetings and hearings of the Board and shall have the duties normally conferred on such officers. The Chair shall appoint such Committees as directed by the Board, including one member of the Board who shall act as Chair of such Committees. As directed by the Board, the Chair shall affix his/her signature in the name of the Board to all approved plans and all correspondence from the Board. The Chair shall approve the agenda for all regular and special meetings of the Board. In the absence of administrative staff, the Chair or his/her designee shall be responsible for the records of the meeting.
- ii. Vice Chair: The Vice Chair shall act for the Chair in his/her absence. The Vice Chair shall affix his/her signature to all plans approved by the Board on behalf of the Board.



**V. MEMBERS AND THEIR DUTIES**

- A. Members: are expected to attend all Regular, Special and Annual Meetings, Public Hearings, and Joint Meetings and Hearings conducted by the Planning Board. If a Member cannot be present at any meeting he/she shall notify the Chair prior to the meeting of his/her inability to attend. In the absence of a regular member, other than the Town Council Representative, the Chair shall appoint an alternate from among those Alternate Members present to act in the place of the absent member. If a Member is late to arrive for a meeting, the Chair shall appoint an Alternate Member from among those Alternate members present to act in the place of the absent Member until the hearing and Board action is completed on the agenda item being heard. Upon the start of a new agenda item, the regular Member may take his/her seat on the Board replacing the Alternate Member. At the discretion of the Chair, a member may participate in the meeting by “electronic or other means of communication” subject to the requirements of RSA 91-A:2.III.
- i. If a Member chooses to recuse themselves from the Board for a particular agenda item, the Chair shall appoint an alternate from among those Alternate Members present to act in the place of the Member for that agenda item. Upon start of a new agenda item, the Member may take his/her seat on the Board replacing the Alternate.
- ii. If the Town Council Representative to the Planning Board is absent, an Alternate Member will not be appointed to fill his/her place in accordance with RSA 673:11.
- B. Alternate Members: are expected to attend all Regular, Special and Annual Meetings, Public Hearings, and Joint Meetings and Hearings of the Planning Board. If an Alternate Member cannot be present at any meeting he shall notify the Chair prior to the meeting of his/her inability to attend.
- i. Alternate Members shall sit at the table with the Planning Board during all regular meetings of the Planning Board, and may participate in questioning applicants and discussion of plans along with the regular Board Members. Alternate Members will not vote on any plan before the Board unless they have been appointed to act as a Member on the hearing item as described in Paragraph V. A., above.
- ii. The selection of Alternate Members to act as Members of the Board shall be made by the Chair to fill the place of an absent Regular Member at the start of the Planning Board Meetings. Alternates shall be chosen on a rotational basis in so far as is practical to give each alternate an approximately equal number of agenda items heard on a monthly or quarterly basis. The Chair, through the Community Development Department, shall maintain a record of appointments made to act as Members. In all cases, however, the decision of the Chair to appoint an alternate to act as a Member shall be final.

VI. MEETINGS

A. Regular Meetings: Regular meetings of the Board shall be held at least monthly and shall be open to the public. The time and place of the meetings shall be selected by a majority vote of the Board taken at the annual meeting. Regular meetings shall not be held on Sundays or legal holidays. The following general rules of procedure shall govern the conduct of such meetings:

- i. Quorum Required: Four (4) members, or designated alternates, of the Planning Board shall constitute the quorum necessary in order to transact business at any meeting.
- ii. Notice of Meetings: Notice of the time, date and place of any public meeting of the Board shall be posted in two public places at least 24 hours, excluding Sundays and legal holidays, prior to the meeting.
- iii. Records Required: Minutes of the events of the meeting shall be taken and shall include the names of members in attendance, persons appearing before the Board, a brief description of the topics discussed, and a record of any actions taken (see Record of Decision, below). Such minutes shall be available for public inspection within 5 business days of the meeting. Minutes of Non-Public Sessions shall conform to the requirements of RSA 91-A:3.
- iv. Order of Business: The general order of business shall be in accordance with the posted agenda unless modified by a majority vote of the Board. The following order of business will generally be followed for each application to the Board unless otherwise determined by the Chair.
  1. Chair will announce agenda item and application to be considered.
  2. Chair or Staff will read aloud applicable background information, letter of request, minutes of previous meetings, etc as necessary.
  3. Applicant will present his/her plan to the Board.
  4. Board members question applicant.
  5. Chair will solicit any input from Town Staff.
  6. Board members question applicant.
  7. Chair will read all other correspondence such as letters from Abutters, etc.
  8. Chair will solicit testimony from abutters and/or other interested persons. (Note: All persons giving testimony to the Planning Board will provide their name and address to the Board's recording secretary for inclusion in the record.)
  9. Final questions of applicant from the Board.
  10. Chair will ask for the staff recommendations for Planning Board action.
  11. A motion will be made by a member of the Board to accept for review, to approve, disapprove, or table action on the application. (Note: (1) On a vote not to accept a plan for review, the minutes will show the Board's reason for non-acceptance, such as incompleteness of submittal, etc. (2) If a plan is approved with conditions precedent, the Chair and Vice Chair will not sign the plan until the conditions are satisfied.)

v. Consent Agenda: The Planning Board may include a Consent Agenda as part of any regular meeting agenda. The purpose of the Consent Agenda is consolidate multiple routine, procedural decisions, and decisions that are likely to be noncontroversial (such as Regional Impact Determinations, conditional approval extension requests, actions regarding performance or maintenance bonds, or other similar procedural processes), in a single vote by the members of the Board. The Consent Agenda shall operate in accordance with the following:

1. The items that are to be included in the Consent Agenda must be submitted to the Community Development Department meeting in accordance with any applicable deadlines to be posted in the published agenda of the meeting.
2. The posted meeting agenda shall list all items that are to be considered as part of the Consent Agenda.
3. The list and supporting documents for Consent Agenda items shall be included in the Board's meeting packets in sufficient time to be read by all members prior to the meeting.
4. There is no public testimony or discussion regarding any items in the Consent Agenda, unless removed from the Consent Agenda by a member of the Board, in accordance with item 6 below.
5. All items in the Consent Agenda shall be acted on by a single motion, second, and vote of the Board.
6. Removal of Item from Consent Agenda: Any item on the Consent Agenda can be removed from the Consent Agenda if any Board member so requests, with no vote of the Board required. Members may request that an item be removed for any reason (they may wish, for example, to discuss the item, to query the item, or to register a vote against the item). After an item is removed, the Board shall act separately on the item with opportunity for discussion.
7. The meeting minutes shall include sufficient detail of each item on the Consent Agenda that was acted upon.

vi. Voting: A motion, duly seconded, shall be passed by a majority of members present and voting in the affirmative. The Chair will not make a motion while chairing a meeting of the Board. After all discussion of the motion by Board members has been completed, the Chair will call for a vote on the motion by the Board. If the vote is not unanimous, the minutes of the meeting shall indicate members in favor, opposed, or abstaining by name.

vii. Record of Decision: Pursuant to RSA 676:3, whenever the Board issues a decision, record of the decision shall be placed on file in the Board's office and be available for public inspection within 5 business days after the decision is made.

B. Special Meetings: Special meeting may be called by the Chair or, in his/her absence, by the Vice Chair. Notice to members shall be at least 48 hours in advance of the meeting. Notice to the public shall be in the same manner as for a regular meeting. No business shall be acted upon at a special meeting unless a quorum of the members is present. The notice of the meeting shall specify the purpose of the meeting and no other business

may be considered except by unanimous consent of the Board members present once a quorum has been established.

- C. Annual Meeting: An annual organizational meeting shall be held at the first regular meeting held in May of each year, but not later than 90 days following the close of Town Annual Meeting. The purpose of the annual meeting will be to elect officers and to review the Rules of Procedure which shall be made a part of the minutes of the meeting.

## VII. PUBLIC HEARING

- A. Public Hearings Required: Public hearing shall be held, as required by the N.H. Revised Statutes Annotated for:

- i. Master Plan or amendment proposed under RSA 674:1
- ii. Subdivision regulation proposed under RSA 674:35-37
- iii. Site plan review regulation proposed under RSA 674:43-44
- iv. Zoning ordinance proposed under RSA 674:16
- v. Building code proposed under RSA 674:51
- vi. Board review of subdivision or site plan proposal under RSA 674:43-44

- B. Notice of Hearing: Notice of hearings for items A.1 through A.5 above shall be given at least 10 calendar days prior to the date of hearing by publication in a newspaper of general circulation and by posting in at least 2 public places (the Merrimack Town Hall and the Merrimack Public Library). The 10 calendar days shall not include the day of posting or the day of the meeting.

- i. For hearings involving an application for subdivision or site plan review (item A-6 above) notice to the applicant and abutters shall be given by certified mail at least 10 days prior to the meeting.
- ii. The full text of a notice for any hearing need not be included in the notice provided an adequate summary is included in the notice and a location is specified where the proposal may be viewed by the public.

- C. Conduct of the Hearing: The Chair or, in his/her absence, the Vice Chair, or a member appointed by the Chair or his/her designee, shall preside at the public hearing, and shall:

- i. Convene the meeting and read the legal advertisement announcing the date, time and purpose of the meeting into the record;
- ii. Briefly state the manner in which the hearing shall be conducted;
- iii. Call upon the applicant, or sponsor of any proposal, to present the proposal;
- iv. Read any written testimony received concerning the proposal into the record;

v. Call upon those appearing in favor of, or in opposition to, the proposal to direct questions or comments to the Chair; and

vi. Call the hearing to a close, as appropriate, outlining the Board's anticipated procedure concerning the proposal.

D. Record of Hearing: A public record of the proceedings shall be taken in writing and incorporated into the Board's minutes, in accordance with RSA 91-A.

## **VIII. JOINT MEETINGS AND HEARINGS**

A. Request for Joint Meetings: The Board, or any applicant, or any other land use board, may request a joint meeting or hearing of the boards on any topic common to their respective jurisdiction. Each board shall have the discretion as to whether or not to hold a joint meeting with another board.

B. Planning Board Shall Chair: The Planning Board Chair shall chair any joint meeting or hearing in which the Board is involved. (RSA 676:2) The Chair shall follow the general rules of conduct outlined in these Rules of Procedure.

C. Notices and Decisions: Each board participating in the joint meeting or hearing shall be responsible for providing notice, filing minutes and decisions, and for rendering and issuing decisions, as appropriate, for the subject matter within its jurisdiction as prescribed for that board by statute, local ordinance, or other rules of procedure.

## **IX. STAFF AND FINANCES**

Within the limits of funding made available for its use by the Town Meeting, and in accordance with RSA 673:16, the Board may employ such staff personnel and/or consultants as it may require to aid the Board in its work. Appointments shall be made by a majority of the members present at any regular or special meeting at which a quorum has been established. The Chair may be authorized to sign contracts for employing personnel and contracting for consulting services as approved by the Board. The Chair may authorize expenditure of funds within the Town Meeting approved budget of the Planning Board. The Board shall review and approve its annual budget prior to submittal of the budget to the Town Council.

## **X. PUBLIC RELATIONS**

The Chair or a duly appointed Board member or staff personnel may be authorized by the Board to act as the principal public relations contact for the Board. Duties shall be as prescribed by the Board.

## **XI. COMMITTEES**

Special committees may be appointed for purposes and terms approved by the Board.

## **XII. APPLICATIONS AND FORMS**

- 1 A. Applications: Applications for subdivision or site plan review, Conditional Use Permits  
2 or gravel excavation permits shall be made on forms provided by the Board.  
3  
4 B. Submission of Applications: No application shall be placed upon any agenda for  
5 acceptance at a regular meeting of the Board unless the application is received by the  
6 Community Development Office no less than 15 days prior to the meeting day at which  
7 it is to be accepted and/or discussed. No application will be received by the Community  
8 Development Office, except in proper form, as prescribed in the subdivision regulations.  
9  
10 C. Vote of the Board Required: In every instance where a submission of a plat or any other  
11 document is made to the Planning Board by a property owner or his/her duly  
12 authorized agent, in writing, and whether Planning Board approval is required or not,  
13 the plat or other document shall be submitted to the Board for its consideration.  
14 Neither the Chair nor the Vice Chair shall be authorized to execute any plat or document  
15 unless approved by the said Board.  
16

17 **XIII. AMENDMENTS**  
18

- 19 A. Amendments: These Rules of Procedure may be amended as follows:  
20  
21 i. At any regular meeting of the Board by a unanimous vote of the entire  
22 membership of the Board; or,  
23  
24 ii. At any regular meeting of the Board by a vote of five members of the Board  
25 provided that the proposed change has been read and discussed at a previous  
26 regular meeting of the Board.  
27  
28 B. Filing with the Town Clerk: These Rules of Procedure and any amendments thereto  
29 shall be placed on file with the Town Clerk for public inspection. A complete set of Rules  
30 of Procedure, as amended, shall also be attached to the minutes of the Board's annual  
31 organizational meeting and kept on file.  
32  
33 C. Effective Date: These Rules of Procedure, and any subsequent amendments, shall  
34 become effective immediately upon passage by the Board.  
35  
36 D. Record of Amendments: Amendments shall be recorded in the minutes of the meeting  
37 at which such action occurs.  
38